

**IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**S. KEITH MIYABARA,**

**Plaintiff,**

**v.**

**SUNTRUST MORTGAGE, INC. and  
FEDERAL NATIONAL MORTGAGE  
ASSOCIATION,**

**Defendants.**

**No. 3:11-cv-00988**

**Judge Nixon  
Magistrate Judge Brown**

**ORDER**

Pending before the Court is Defendants Suntrust Mortgage, Inc. and Federal National Mortgage Association's Motion to Dismiss for Failure to State a Claim (Doc. No. 16) ("Motion"), filed along with a supportive brief (Doc. No. 17). Despite being granted two extensions to file a response (Doc. Nos. 25 & 29), Plaintiff S. Keith Miyabara has failed to respond to Defendants' Motion. Subsequently, Magistrate Judge Brown issued a Report and Recommendation ("Report") recommending that Defendants' Motion should be granted and that, alternatively, the case could be dismissed for Plaintiff's failure to prosecute and failure to comply with the Court's orders (Doc. No. 33 at 7). The Report was filed on May 2, 2012, and it provided a period of fourteen days in which either party could file an objection. (*Id.* at 7-8.) Neither party has filed an objection to date. On May 25, 2012, the copy of the Report mailed to Plaintiff was returned as unclaimed.<sup>1</sup> (Doc. No. 35.)

---

<sup>1</sup> It appears that previous mailings to Plaintiff have also been returned as unclaimed or unable to be forwarded. (Doc. Nos. 27, 31, & 32.)

Upon review of this matter, the Court finds the Report to be well-founded and **ADOPTS** it in its entirety. Accordingly, the Court hereby **GRANTS** Defendants' Motion and **DISMISSES** this case. The Clerk of the Court is **DIRECTED** to close the case.

It is so ORDERED.

Entered this the 1<sup>st</sup> day of May, 2012.



JOHN T. NIXON, SENIOR JUDGE  
UNITED STATES DISTRICT COURT